

IN RE: PETITION FOR ZONING VARIANCE  
E/S Antietam Road, 120' N of  
the c/l of Polo Court  
(225 Antietam Road)  
15th Election District  
5th Councilmanic District  
Wayne A. Dobrochowski, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-266-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to property line setback of 10 feet in the front and rear of the subject property in lieu of the required 15 feet, and an amendment to the "Final Development Plan of Middleborough Landing" to permit an addition outside of the building envelope, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

tants.  
Testimony indicated that the subject property, known as 225 Antietam Road, zoned D.R. 5.5, consists of 2.45 acres and is improved with a single family dwelling which has been the Petitioners' residence for the past nine years. Petitioners propose constructing an addition on the south side of the existing dwelling. Petitioners testified the proposed addition is necessary to provide more habitable space for their growing family. However, due to the location of the existing dwelling on the subject property and the location of windows in the rear of the existing dwelling, the proposed location for the bedroom addition is the most appropriate. Petitioners presented evidence to support the practical difficulty they claim they would suffer if the instant variance was not granted. Petitioners testified they have spoken to their neighbors who have no objections to their plans.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas Legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

-2-

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of February, 1989, that the Petition for Zoning Variance to permit a window to property line setback of 10 feet in the front and rear of the subject property in lieu of the required 15 feet, and an amendment to the "Final Development Plan of Middleborough Landing" to permit an addition outside of the building envelope, in accordance with the requirements of the B.C.Z.R., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 15, 1988, attached hereto and made a part hereof.

AMN:bjs

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner  
DATE: November 15, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Dobrowski Property - 225 Antietam Road  
Petition for Zoning Variance Item #154

Subject property is located at 225 Antietam Road, Baltimore County, Maryland. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant is proposing to build a 24' x 24' addition to an existing house and has filed a petition to allow a 10 foot setback in lieu of the required 15 feet.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 O>

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

1. Two major deciduous trees or four conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Memo to Mr. J. Robert Haines  
November 15, 1988  
Page 2

2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3988 if you require additional information.

Robert W. Sheesley  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:tjg

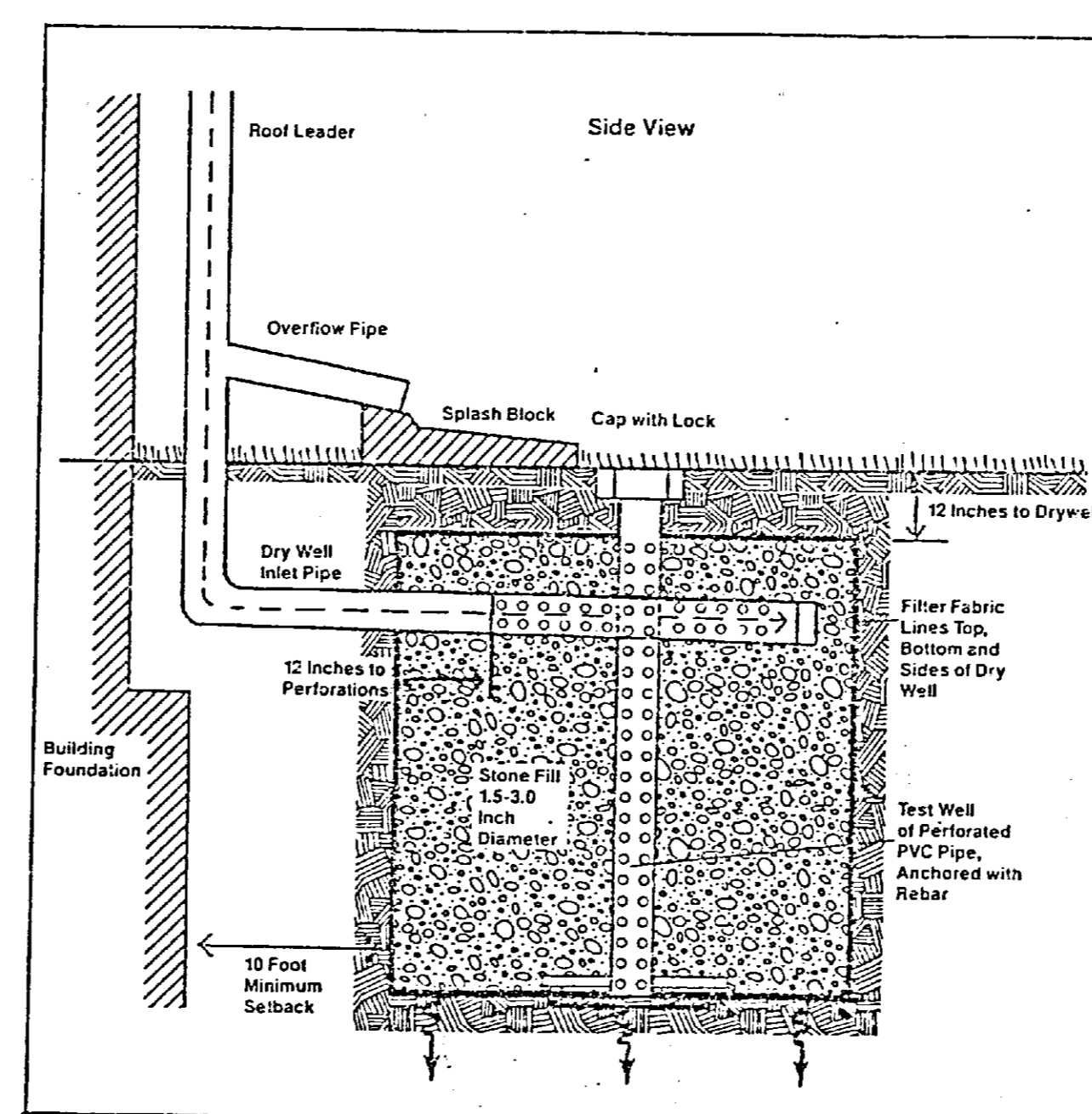
Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:

Dry Well Design. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1985)

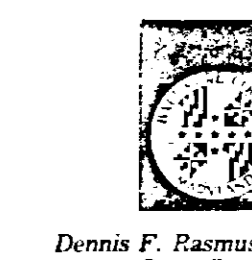


Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
887-3353

J. Robert Haines  
Zoning Commissioner

February 2, 1989

Mr. & Mrs. Wayne A. Dobrochowski  
225 Antietam Road  
Baltimore, Maryland 21221



RE: PETITION FOR ZONING VARIANCE  
E/S Antietam Road, 120' N of the c/l of Polo Court  
(225 Antietam Road)  
15th Election District - 5th Councilmanic District  
Wayne A. Dobrochowski, et ux - Petitioners  
Case No. 89-266-A

Dear Mr. & Mrs. Dobrochowski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: Chesapeake Bay Critical Areas Commission  
Tawes State Office Bldg., D-4, Annapolis, Md. 21404

People's Counsel  
File

# CRITICAL AREA #154

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
89-266-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 504 (V.B.6.b., C.M.D.P.) to permit a window to

property line (front and rear of house) of 10' in lieu of the required 15' and an amendment to the "Final Development Plan of Middleborough Landing" to permit an addition outside of the building envelope

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

WANT TO ADD ON A 4'x24' ADDITION  
FOR A BEDROOM. WE ONLY HAVE TWO BEDROOMS  
AND FOUR FAMILY MEMBERS

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):  
(Type or Print Name) Wayne A. Dobrochowski  
Signature Wayne A. DOBROCHOWSKI  
Address BEVERLY K. DOBROCHOWSKI  
City and State BALTIMORE, MARYLAND

Attorney for Petitioner: 225 ANTIETAM RD. 514-5719  
(Type or Print Name) Address Phone No.  
Signature BALTIMORE, MD. 21221  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
City and State Name  
Attorney's Telephone No.: Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 16th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of January, 1989, at 9:30 o'clock a.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

December 8, 1988

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-266-A  
E/S Antietam Road, 120' N c/l Polo Court  
225 Antietam Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Wayne A. Dobrochowski, et ux  
HEARING SCHEDULED: TUESDAY, JANUARY 17, 1989 at 9:30 a.m.

Variance to permit a window to property line (front and rear of house) of 10 feet in lieu of the required 15 feet and an amendment to the "Final Development Plan of Middleborough Landing" to permit an addition outside of the building envelope.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

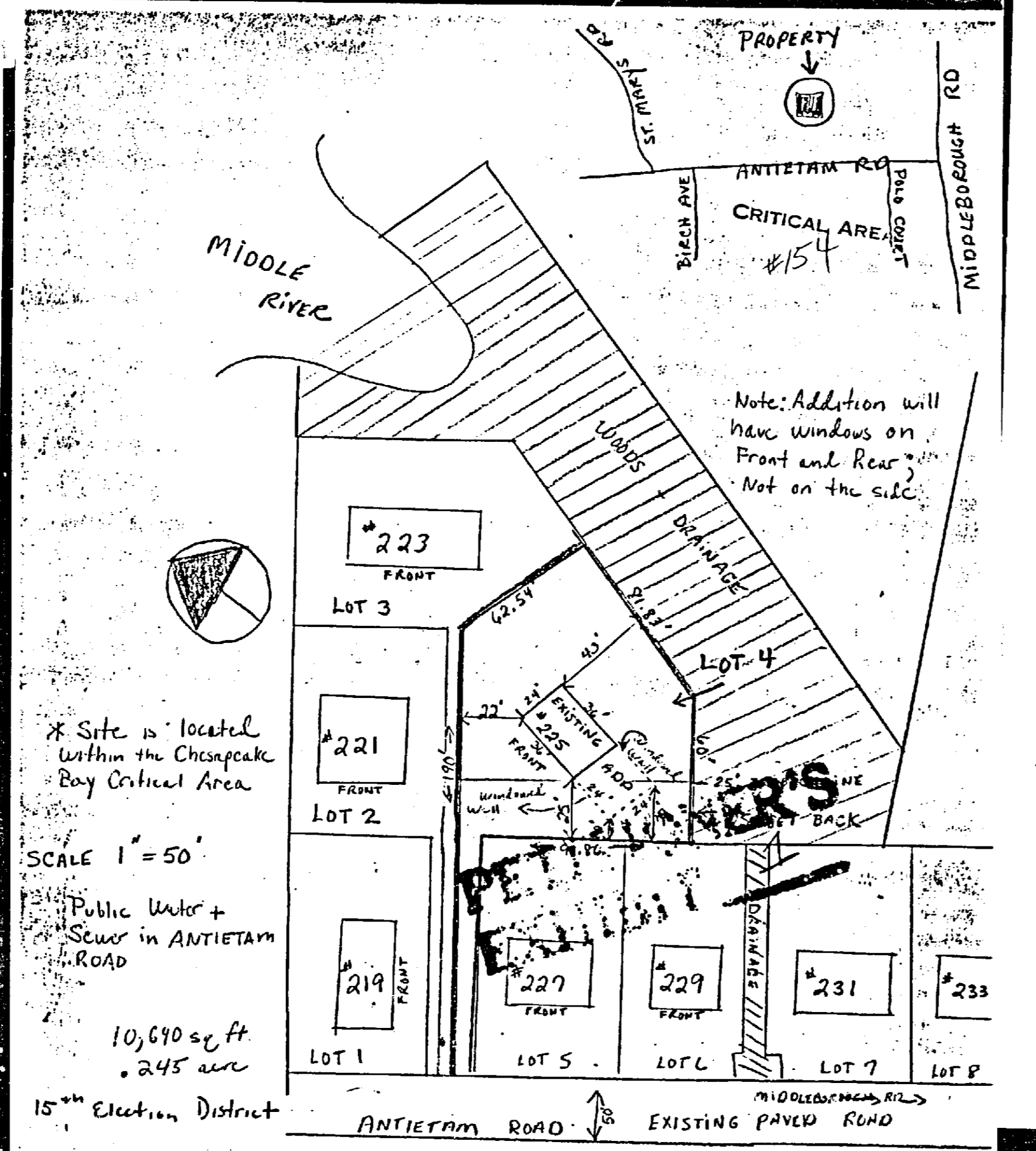
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Dobrochowski  
File

Beginning on the east side of Antietam Road, 40 feet wide, at the distance of 120 feet North of the centerline of Polo Court. Also being lot 4 in the subdivision Middleborough Landing. Plat book 43, folio 108 or 225 Antietam Road containing .245 acre in the 15th Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 1/1/89  
Posted for: Variance  
Petitioner: Wayne A. Dobrochowski, et ux  
Location of property: E/S Antietam Rd., 120' N c/l Polo Court  
225 Antietam Rd.  
Location of Sign: Same as above, leading to Antietam Rd.  
Remarks: as per plat of petition  
Posted by: J. Robert Haines  
Number of Signs: 1



PLAT FOR ZONING VARIANCE - OWNER WAYNE + BEVERLY DOBROCHOWSKI  
DISTRICT III LOT #4 BOOK #43 FOLIO 108 Zoned DK 5.5  
SUBDIVISION - MIDDLEBOROUGH LANDING EXISTING ROAD + UTILITIES

## CERTIFICATE OF PUBLICATION

TOWSON, MD. January 3, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md, appearing on December 27, 1988.

THE JEFFERSONIAN,  
S. Zabe Orban  
Publisher

PO 07792  
rg M25120  
case 89-266-A  
price \$41.25

89-266-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 16th day of November, 1988.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner: Wayne A. Dobrochowski, et ux  
Petitioner's Attorney: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2556  
494-4500

Paul H. Reinke  
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Wayne A. Dobrochowski, et ux (CRITICAL)  
Location: E/S Antietam Rd., 120' N c/l of Polo Ct.  
Item No.: 154 Zoning Agenda: Meeting of 10/25/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: J. Robert Haines, Zoning Commissioner  
Planning & Zoning  
Special Inspection Division

NOTED & APPROVED: J. Robert Haines  
Fire Prevention Bureau

/s/

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 1/6/89

Mr. & Mrs. Wayne A. Dobrochowski  
225 Antietam Road  
Baltimore, Maryland 21221

Re: Petition for Zoning Variance  
CASE NUMBER: 89-266-A  
E/S Antietam Road, 120' N c/l Polo Court  
225 Antietam Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Wayne A. Dobrochowski, et ux  
HEARING SCHEDULED: TUESDAY, JANUARY 17, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Dobrochowski:

Please be advised that \$82.24 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 085818
DATE: 1/6/89	ACCOUNT: 89-266-A	
AMOUNT: \$ 82.24		
RECEIVED FROM: Mr. & Mrs. Wayne A. Dobrochowski		
FOR: Petition for Zoning Variance		
B B114*****0224:0 526-8		
SIGNATURE OF CASHIER: J. Robert Haines		
DATE: 1/6/89		

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 11, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. Wayne A. Dobrochowski  
225 Antietam Road  
Baltimore, Maryland 21221

RE: Item No. 154, Case No. 89-266-A  
Petitioner: Wayne A. Dobrochowski, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Dobrochowski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
494-3654

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 440, 58, 102, 128, 144, 145, 147, 150, 151, 153, 154, 155, 156, and 157.

Very truly yours,

Michael S. Flanagan  
Engineering Associate

MSP/lvw